

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**DANIEL M. BALDERES,**

**Plaintiff,**

**v.**

**CASE NO. 13-3057-SAC**

**STATE OF KANSAS, et al.,**

**Defendants.**

**ORDER**

This long-closed matter is before the Court on a motion to seal case filed by Mr. Balderes (ECF No. 10). Plaintiff asks the Court to remove the filings in this case from the internet because the case has caused him “to be harmed time and time again.” ECF No. 10 at 1.

In *Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978), the United States Supreme Court recognized a common law right of access to judicial records. This right protects the public’s right to understand the disputes that are considered by the courts and assures that judicial proceedings are conducted in a fair manner. *Crystal Grower’s Corp. v. Dobbins*, 616 F.2d 458, 461 (10<sup>th</sup> Cir. 1980). See *M.M. v. Zavaras*, 939 F. Supp. 799, 801 (D. Colo. 1996) (“secret court proceedings are anathema to free society”), *aff’d* 139 F.3d 798 (10<sup>th</sup> Cir. 1998).

While there is a presumption that judicial records are to be public, such records may be sealed when the public’s right is outweighed by interests that favor nondisclosure in a particular instance. See *United States v. McVeigh*, 119 F.3d 806, 811 (10<sup>th</sup> Cir. 1997). The decision whether to seal a record is within the discretion of the district court. *Nixon*, 435 U.S. at 599.

Having considered Plaintiff's request to seal this matter, the Court has determined that such relief is not warranted. Plaintiff's assertion that he has been harmed "time and time again" by having the filings in this case be accessible to the public is not explained or supported. It is not clear how a case that was dismissed six years ago for lack of prosecution, and has been publicly accessible for that entire period, could cause enough harm presently to outweigh the public right of access to judicial records.

**IT IS THEREFORE ORDERED** that Plaintiff's motion to seal case (ECF No. 10) is **denied**.

**IT IS SO ORDERED.**

**DATED: This 2<sup>nd</sup> day of October, 2019, at Topeka, Kansas.**

s/ Sam A. Crow  
**SAM A. CROW**  
**U.S. Senior District Judge**